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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/636,078

08/07/2003

Gregory S. Helwig

25334A

9843

22889

7590

06/11/2009

OWENS CORNING
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EXAMINER

CHRISS, JENNIFER A

ART UNIT

PAPER NUMBER

1794

MAIL DATE

DELIVERY MODE

06/11/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/636,078	Applicant(s) HELWIG, GREGORY S.	
	Examiner JENNIFER A. CHRISS	Art Unit 1794	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 3 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1,3-7,9-25,37-48 and 50.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.

/J.A.C./

/Jennifer A Chriss/
 Primary Examiner, Art Unit 1794

Continuation of 3. NOTE: The proposed amendments require further search and/or consideration for the proposed amendment requiring structural fibers and irregularly shaped fibers, where the structural fibers and irregularly shaped fibers are completely separate fibers.

Continuation of 11. does NOT place the application in condition for allowance because: Applicant argues that the 35 USC 112, 1st paragraph rejection as detailed in paragraph 6 is not proper and associated Specification objection. Applicant's arguments rely on the unentered amendment. Applicant argues that the 35 USC 112, 1st paragraph rejection as detailed in paragraph 7 is not proper and associated Specification objection. Although the drawing shows fibers 22, 24, 25 and 27, it is not clear from the drawing that the fibers are visible from the surface. The drawing is two dimensional and does not show the fiber content of the depth of the surfacing veil. The arguments are not persuasive. Applicant argues that Christie is limited solely to the use of mineral wool and the reference disparages similar panels made of glass. Applicant refers to paragraph 7 and 8 of Christie to support their argument. As discussed in paragraph 7 of Christie, Christie indicates that fiberglass panels have significantly greater acoustical absorption character than current mineral fiber products. Christie appears to point out various deficiencies in the prior art fiberglass panels due to issues with the phenolic thermoset binder and not necessarily due to the inclusion of fiberglass. Further, Applicant argues that there is no support to the Examiner's statement that the product of Christie would be "tough but flexible and stretchable conformable veil". It should be noted that "tough", "flexible" and "stretchable" are relative terms and not defined more specifically by the claims or the Specification. Furthermore, the claims do not require that the veil is "resistant to stretching or sagging". The Examiner submits that the secondary reference, Helwig, provides sufficient motivation for the replacement of glass fibers for mineral fibers by stating "coiled glass or slightly curved glass reinforcement fibers provide improved compressibility while providing improved strength and processability when substituted for glass wool fibers (column 3, lines 40 - 47 and column 9, lines 1 - 15). Applicant's arguments are not persuasive.